2018: *Robinson v. Neil* (No. 1:17-cv-652)

In June, 2017, the Hamilton County Justice Center had become so overcrowded that the Director of Jail Operations declared a state of emergency under Ohio law. The Director outlined a cascade of consequences caused by overcrowding, including forcing inmates to sleep on temporary beds (called "boats") on the floors of common areas and other shared spaces. This condition caused increased security and safety concerns, difficulty in locating inmates for provision of medical care, overflowing and inadequate restroom facilities, and insufficient telephone access. Inmate Robinson filed a grievance which led to a class action complaint alleging that overcrowding caused inmates to suffer conditions of confinement that violated Eight Amendment rights to be free from cruel and unusual punishment. Dlott certified the class and, with the help of Magistrate Judge Karen Litkovitz, ultimately approved a settlement of all claims. In lieu of financial remuneration, the inmates received a guaranteed plan of action when overcrowding conditions arise. By holding the fairness hearing at the Justice Center, Dlott was able to discuss objections with interested inmates and corrections personnel to ensure that the settlement was fair, reasonable, and adequate for all involved.

2016: *The Hillman Group, Inc. v. Minute Key, Inc.* (No. 1:13-cv-707)

The Hillman Group and Minute Key compete in the self-service key duplication field. Hillman manufactures and markets a kiosk called "FastKey," and Minute Key markets a kiosk under its own name, "minuteKEY." This case began as a civil action by Hillman seeking a declaratory judgment of non-infringement and invalidity of a patent owned by Minute Key related to its kiosk. After extensive and contentious motion practice, it eventually proceeded to trial under the federal Lanham Act, 15 U.S.C. § 1125(a)(1)(B), and the Ohio Deceptive Trade Practices Act, Ohio Rev. Code § 4165.02(A)(10). Immediately prior to trial, Dlott permitted briefing on the question of whether the Court needed to conduct a claim construction of Minute Key's patent, otherwise known as a *Markman* hearing, before Hillman's federal and state claims of unfair competition could be presented to a jury. Dlott concluded that claim construction was unnecessary, noting that the claim terms "fully-automatic" and "fully automatic" were not technically complex and had a plain meaning that a jury could understand. 2016 WL 3959063 (S.D. Ohio July 22, 2016). For two weeks, beginning on August 22, 2016, the jury heard testimony regarding Hillman's allegations that Minute Key knowingly made false and misleading representations of fact concerning Hillman's FastKey kiosk to Walmart—the parties' mutual customer—in order to gain a business advantage. Largely at issue were whether the statements made by Minute Key to Walmart regarding patent infringement were statements of fact versus opinion, whether the statements were sufficiently disseminated, and, because the claim involved marketplace representations of patent infringement, whether the statements were made in bad faith. Jurors witnessed the key duplication process by each three-foot by six-foot animated kiosk, both of which were on view in the courtroom for the duration of the trial. The jury found in favor of Hillman, but the damage award was minimal.

2015: *The National Association for the Advancement of Colored People, National Office v. the Entity Referring to Itself as the NAACP, Cincinnati Branch* (No. 1:15-cv-433)

The National Office of the NAACP filed suit against a local group referring to itself as the Cincinnati Branch of the NAACP in June 2015. The National NAACP alleged that the local group lacked authority under the NAACP Bylaws to operate as a branch of the NAACP. The National NAACP sought a temporary restraining order and an injunction prohibiting the local group from using the NAACP trademark, holding itself out as an authorized branch of the NAACP, conducting business as an NAACP branch, and using NAACP property and funds. Dlott issued a temporary restraining order and then a preliminary injunction in favor the National NAACP and against the local group. 2015 WL 12516641 (S.D. Ohio Aug. 5, 2015); 2015 WL 4164696 (S.D. Ohio July 9, 2015). Thereafter, the local group asserted counterclaims against the National NAACP that it had wrongfully interfered with the local branch election of officers. Dlott and the parties were cognizant that the existence of the lawsuit put into jeopardy the NAACP's plan to hold their annual national convention in Cincinnati, Ohio in mid-2016, prior to the U.S. presidential election. Dlott conducted numerous conferences with

the parties to facilitate a settlement. The parties stipulated to a dismissal of their claims on December 17, 2015.

2015: *Graff v. Haverhill North Coke Company* (No. 1:09-cv-670)
Two sets of homeowners initiated this environmental citizen suit against Defendants Haverhill North Coke Company, and its parent company, SunCoke Energy, Inc., in 2009. The homeowners alleged that emissions from the Defendants' coke processing plant, which operated in the vicinity of their homes in Franklin Furnace, Ohio, violated their rights under federal and state law. They asserted claims under the federal Clean Air Act and Resource Conservation and Recovery Act as well as claims for nuisance, trespass, and other common law torts. The discovery process was contentious and required close supervision by the Magistrate Judge. In June 2015, Dlott determined that several Clean Air Act subclaims were precluded by a consent decree issued by an Illinois district court in an earlier environmental case against the same companies. 2015 WL 3755986 (S.D. Ohio June 16, 2015). In 2016, both parties filed summary judgment motions, but they also agreed to participate in settlement negotiations while the motions were pending. The parties gave Dlott a tour of the facility and an overview of coke processing procedures at the coke processing plant in preparation for the settlement conference. Dlott mediated a settlement between the parties in April 2016.

2014–2016: *NorCal Tea Party Patriots v. IRS* (No. 1:13-cv-341)
Ten advocacy groups who described themselves as dissenting from the policies and ideology of the executive branch of the United States under President Barack Obama sued the IRS and individual IRS employees alleging that the IRS had discriminated against them and similar groups in the processing of their applications for tax-exemption status. The Plaintiffs alleged that the IRS targeted dissenting groups— groups with names including terms such as "Tea Party" or "Patriots" and groups who advocated for limited government spending— for delays and intrusive scrutiny based upon their political beliefs. On July 17, 2014, Dlott issued an order dismissing the claims against the individual IRS employees, but permitting to proceed the claims against the IRS for violation of the First and Fifth Amendments and for violation of 26 U.S.C. § 6103, a statute which protects the confidentiality of tax return information. 2014 WL 3547369 (S.D. Ohio July 17, 2014). On January 19, 2016, Dlott issued an order certifying a Plaintiffs' class as to the claim asserting a violation of 26 U.S.C. § 6103. 2016 WL 223680 (S.D. Ohio Jan. 19, 2016). The case was transferred to the docket of the Honorable Michael R. Barrett on May 3, 2016.

2014: *U.S. ex rel. Howard v. Lockheed Martin Corp.* (No. 1:99-cv-285)
Two sets of current and former employees of Lockheed Martin Corporation filed False Claims Act actions against Lockheed in 1999 and 2002, respectively, alleging that the tooling program for the U.S. Air Force's F-22 aircraft program was deficient, leading to the submission of false claims for

payment by Lockheed to the United States. Specifically, the whistleblowers alleged that Lockheed (1) failed to comply with quality assurance requirements in their government contracts and (2) submitted claims for payment to the United States for nonconforming parts made by nonconforming tools. The whistleblowers ultimately argued that Lockheed was liable to pay treble damages under the False Claims Act in excess of $1,000,000,000. Lockheed defended the claims in part by asserting that the whistleblowers misunderstood the nature of the "concurrent design/build" process Lockheed used on the F-22 program by which engineering design for the aircrafts evolved as each new aircraft was built. Lockheed also argued that the Government had knowledge about the quality issues alleged by the whistleblowers precluding liability under the False Claims Act.

The consolidated case did not become public until 2006 after the U.S. Government declined to intervene. After years of discovery, the parties filed summary judgment motions totaling more than 300 pages, plus more than 900 paragraphs of proposed undisputed facts and thousands of pages of exhibits. Dlott conducted a three-day summary judgment hearing in August and September 2013. In March 2014, Dlott issued an Order granting in part and denying in part summary judgment. Dlott denied summary judgment to Lockheed on the majority of the whistleblowers' claims based on the failure to follow quality assurance requirements, but granted summary judgment to Lockheed as to the claims based on nonconforming parts made by nonconforming tools. 14 F. Supp. 3d 982 (S.D. Ohio 2014). Subsequently, on September 22, 2014, Dlott dismissed the case with prejudice after the parties reached a settlement agreement.

2013-2015: ***Pamela Rheinfrank, individually, and as parent and natural guardian of M.B.D. v. Abbott Laboratories and AbbVie, Inc.***, **(No. 1:13cv144)**

This personal injury action was brought by Ms. Rheinfrank on behalf of her daughter Maria against a prescription drug company, Abbott Laboratories, and its successor corporation, AbbVie, Inc. Ms. Rheinfrank took Defendants' drug Depakote to treat her seizure disorder while she was pregnant with Maria and alleged that Maria suffered serious physical and mental birth defects as a result of Defendants' alleged failure to warn her of the risks associated with the drug. The case is similar to several hundred other cases, most of which are still pending in the Southern District of Illinois.

Ms. Rheinfrank's case centered upon her allegation that the Defendants failed to provide adequate warnings and instruction about the risk of birth defects caused by Depakote. Abbott denied that its warnings and instructions to Ms. Rheinfrank's physicians about the risks of Depakote during pregnancy were in any way inadequate. Notably, in ruling on cross motions for summary judgment, the Court found that there was clear evidence that the Food and Drug Administration would not have approved a change to the Depakote label adding a developmental delay warning prior to Maria's injury. *Rheinfrank v. Abbott Labs., Inc*., 119 F. Supp. 3d 749, 766 (S.D. Ohio Aug. 10, 2015), *reconsideration den'd*, 137 F. Supp. 3d 1035 (S.D. Ohio Oct. 2,

2015), *aff'd*, 680 F. App'x 369 (6th Cir. Feb. 21, 2017). This ruling significantly impacted testimony and evidence at trial, and is one of few decisions on the issue nationwide.

The parties filed voluminous pretrial motions. The Court ruled on seventeen motions in limine filed by the defendants and two motions in limine filed by Plaintiffs; five *Daubert* motions filed by the Defendants and one *Daubert* motion filed by the Plaintiffs; and numerous disputes over deposition designations, for which the Court devoted two days of hearings prior to trial.

The case proceeded to trial, following only one other federal court action. Trial began on October 5, 2015 and lasted approximately one month, concluding with a verdict for the Defendants. Plaintiffs appealed the judgment, and the Sixth Circuit affirmed the district court's rulings on expert witnesses, jury instructions, and preemption. 680 F. App'x 369 (6th Cir. Feb. 21, 2017).

2010-2012: *Hunter v. Hamilton County Board Of Elections* (No. 1:10-cv-820)

In an election dispute that garnered national attention, Dlott relied on *Bush v Gore*, 531 U.S. 98, 104 (2000), to hold that the Hamilton County, Ohio Board of Elections violated provisional voters' rights to equal protection during the November 2010 election. Dlott's ruling changed the outcome of the election for Hamilton County Juvenile Court Judge: the Board counted an additional 286 provisional ballots and candidate Williams, who had been declared the winner by a margin of 23 votes, lost to candidate Hunter by 74 votes.

The dispute centered on the Board's decision to count some, but not all, provisional ballots miscast because of poll-worker error. Specifically, the Board counted "wrong precinct" provisional ballots cast at the Board's headquarters because the staffer gave the voter the wrong ballot, but it refused to count "wrong precinct" provisional ballots cast at polling locations without considering whether poll-worker error was to blame. Plaintiffs, candidate Hunter and the Northeast Ohio Coalition for the Homeless, moved for a preliminary injunction that would prohibit the Board from rejecting provisional ballots miscast due to poll-worker error. Dlott granted the motion, noting that "[t]he right to vote includes the right to have one's vote counted on equal terms with others." 2010 WL 4878957 (S.D. Ohio Nov. 22, 2010).

The case is unique not only because of its application of the *Bush v. Gore* equal protection standard, but also because of its procedural history. Candidate Williams challenged the Board's ballot-investigation procedure in the Ohio Supreme Court. *See State ex rel. Painter v. Brunner,* 128 Ohio St. 3d 17 (2011). The Ohio Court held that there was no provision in Ohio law for counting provisional ballots miscast due to poll-worker error, and the Board appealed to the Sixth Circuit Dlott's order enforcing the preliminary injunction. However, the Sixth Circuit, in an opinion referred to as "the most significant application of *Bush v. Gore* in the decade since that precedent was decided," agreed with Dlott that the Plaintiffs had shown a strong likelihood

of success on the merits of their equal protection claim. 635 F.3d 219 (6th Cir. 2011), *reh'g and reh'g en banc denied* March 29, 2011.

The Sixth Circuit remanded the case for additional fact-finding on which ballots had been miscast due to poll worker error. Dlott then held a three-week evidentiary hearing during which Board staff, poll workers, and voters testified. Under Ohio law, poll workers are required to direct provisional voters to the correct precinct. Evidence at the hearing showed that poll workers in multi-precinct locations did not reliably direct voters to the correct precinct table within that location. Accordingly, Dlott held that provisional ballots cast at the correct multi-precinct voting location but at the wrong table— so called, "right-church, wrong-pew" ballots— were substantially similar to the "wrong precinct" ballots case at the Board headquarters that the Board already had counted. Dlott held that the Board had failed to justify its decision to treat these similar groups of ballots differently and ordered the Board to count otherwise valid right location, wrong precinct provisional ballots. 850 F. Supp. 2d 795 (S.D. Ohio 2012).

The Board appealed Dlott's order and filed a motion in the Sixth Circuit requesting a stay of that order. Finding that the remedy ordered by Dlott "appear[ed] to have been crafted in the least intrusive manner possible," the Sixth Circuit denied the Board's motion to stay. The Board voluntarily dismissed its appeal, valid "right-church, wrong-pew" ballots were counted, and Hunter won the contested seat on the Juvenile Court.

2010: *Vanzant v. Brunner* (No. 1:10-cv-596)

Registered voters in four Ohio counties challenged absentee voting in the state because not all counties followed the same procedures. Specifically, some but not all Ohio counties mail absentee ballot applications to every elector; and some but not all prepay postage to send back the application and ballot. Plaintiffs, who live in counties that do not automatically mail applications or prepay postage, claimed that the inconsistency resulted in a violation of their rights under the Equal Protection and Due Process Clauses of the U.S. Constitution. Dlott disagreed and denied Plaintiffs' request for injunctive relief, finding that they had failed to show that the Secretary of State violated their right to vote on an equal basis by allowing these different practices. "Not every difference amounts to a constitutional injury," Dlott concluded.

2009: *Albrecht v. Treon, M.D.* (No. 1:06-cv-274)

Plaintiffs claimed that the county coroner's practice of removing, retaining, and disposing of autopsy specimens without prior notice to the next of kin denied them due process and violated Ohio law. Relying on *Brotherton v. Cleveland*, 923 F.2d 477, 482 (6th Cir. 1991), Plaintiffs claimed that Ohio law granted them a "legitimate claim of entitlement" to their son's autopsy specimens. However, an Ohio statute defined autopsy specimens as "medical waste" to be

disposed of in accordance with federal and state law. Finding it unclear whether Ohio law gave next of kin an interest in a decedent's autopsy remains, Dlott certified the question to the Supreme Court of Ohio. The Supreme Court of Ohio answered the question in the negative, finding that Ohio law does not give next of kin a protected right in autopsy specimens. Because Plaintiffs did not have a state-created interest or entitlement in their son's autopsy remains, Dlott concluded that their claim under 42 U.S.C. § 1983 failed as a matter of law. 2009 WL 1373112 (S.D. Ohio May 14, 2009); *aff'd* 617 F.3d 890 (6th Cir. 2010).

2006: *Steven Warshak, et. al., v. United States* (No. 1:06-cv-357)

Plaintiffs brought a Fourth Amendment challenge seeking injunctive relief to enjoin the United States from seizing stored personal email communications in the possession of internet service providers. The United States, pursuant to the Stored Communications Act, 18 U.S.C. § 2703, had been granted an order *ex parte* to retrieve stored email communications during a criminal investigation. Dlott granted the injunction, declaring certain subsections of § 2703 unconstitutional in that they authorize *ex parte* issuance of searches and seizures without a warrant and on less than a showing of probable cause. Dlott held that holders of personal email accounts have a reasonable expectation of privacy and must be provided notice and an opportunity to be heard on any complaint, motion, or other pleading seeking issuance of an order to retrieve the contents of personal email accounts maintained by an internet service provider. The Sixth Circuit Court of Appeals largely affirmed Dlott's ruling. 2006 WL 5230332 (S.D. Ohio July 21, 2006), *aff'd* 490 F.3d 455 (6th Cir. June 18, 2007), (*reh'g en banc granted, opinion vacated* Oct. 9, 2007).

2004: *Spencer v. Blackwell* (No. 1:04-cv-738)

African-American registered voters sued election officials to restrain them from allowing partisan "challengers" to challenge voter eligibility at the polling places. Dlott found that because of a lack of training on challenge procedures and questionable enforceability of the State's and County's policies regarding good-faith challenges and ejection of disruptive challengers from the polling places, there existed a serious risk of delay and voter intimidation at the polls. Dlott enjoined partisan challengers from entering polling places throughout Ohio on Election Day, holding that a challenge procedure under such conditions severely burdened the right to vote and did not justify compelling state interests. 347 F. Supp. 2d 528 (S.D. Ohio 2004). The Sixth Circuit granted an emergency stay of Dlott's injunction pending appeal. *Summit Cnty. Democratic Central & Executive Comm. v. Blackwell*, 388 F.3d 547 (6th Cir. 2004).

2004: *Spencer v. Blackwell* (No. 1:04-cv-735)
The Ohio Democratic Party and two registered Ohio voters sued to restrain election officials from holding hearings on pre-election challenges to voter eligibility. In response to the last-minute challenge of approximately 35,000 Ohio voters' eligibility, Boards of Election had sent or intended to send notices of hearings on the voters' eligibility. The notices, sent to addresses from which mail had been returned, were sent no more than a week before the election and the hearings were to be held no more than five days before Election Day. Dlott found that, under the circumstances, the timing of and manner in which Defendants intended to send notice and conduct hearings were inadequate under the Due Process Clause and endangered those voters' fundamental right to vote. Dlott preliminarily enjoined election officials from mandating or enforcing the hearings. Dlott also certified a defendant class of all eighty-eight Ohio county Boards of Elections, and enjoined them from sending further notices or conducting such hearings. 348 F. Supp. 2d 916 (S.D. Ohio 2004).

2004: *Planned Parenthood Cincinnati Region v. Taft* (No. 1:04-cv-493)
Clinics and physicians brought a class action on their own and their patients' behalves challenging the constitutionality of an Ohio statute regulating the use and prescription of mifepristone, which is used for inducing medical abortion, and imposing criminal penalties on physicians who violated the regulations. Dlott found that Plaintiffs had a substantial likelihood of success on the merits because the Act failed to include the constitutionally required exception for the life and health of the mother. Dlott granted the Plaintiffs' motion for preliminary injunction as well as the Plaintiffs' motion for certification of a defendant class of prosecutors and enjoined defendant state officials from enforcing the Act. 337 F. Supp. 2d 1040 (S.D. Ohio 2004), *aff'd in part*, *vacated in part*, 444 F.3d 502 (6th Cir. 2006).

2004: *TriHealth, Inc. v. Board of Commissioners, Hamilton Country, Ohio* (No. 1:02-cv-913)
A consortium of Cincinnati hospitals and health care organizations brought suit against the Hamilton County Board of Commissioners to contest the County's award to University Hospital of the proceeds of a levy designated for adult indigent healthcare. The consortium argued that the County's action in awarding the levy funds solely to University Hospital, without providing them either: 1) a share of the levy funds proportionate to the share of adult indigent healthcare that they provide; or 2) the opportunity to competitively bid for the contract, violated the Equal Protection and Due Process Clauses of the Constitution. Dlott granted Defendants' summary judgment, holding that the consortium 1) failed to state a claim under the Equal Protection Clause because consortium members and University Hospital were not similarly situated and the County Defendants had a rational basis for their decision to contract solely with University Hospital; and 2) consortium members had no constitutionally protected property interest in the contract that would support a due process claim. 347 F. Supp. 2d 548 (S.D. Ohio 2004), *aff'd*,

430 F.3d 783 (6th Cir. 2005).

2003: *Barnes v. City of Cincinnati* (No. 1:00-cv-780)
After Dlott denied Defendant City of Cincinnati's motion for summary judgment, transsexual Cincinnati police officer Philecia Barnes tried her case to a jury in February of 2003, claiming employment discrimination in violation of Title VII, 42 U.S.C. § 1983, and Ohio state law. Barnes alleged sex discrimination under Title VII based on her failure to conform to sex stereotypes and that Defendant City of Cincinnati violated her rights under the Equal Protection Clause of the Fourteenth Amendment by demoting her on the basis of her perceived sexual orientation, gender identity, transsexuality, and failure to conform to sex stereotypes. The jury found in favor of Barnes on all of her claims and awarded her compensatory damages and front pay. Dlott denied Defendant City of Cincinnati's motion for judgment as a matter of law or, in the alternative, for a new trial.

2002: *In re Cincinnati Policing* (No. 1:99-cv-3170)
Dlott granted a motion for class certification and approved an agreement which she helped negotiate settling class claims of racially discriminatory law enforcement practices. 209 F.R.D. 395 (S.D. Ohio 2002). Dlott presided over the six-year implementation of that agreement on police-community relations and law enforcement practices, entered into by the City of Cincinnati, the Fraternal Order of Police, and civil rights and community organizations, as well as an agreement between the City and the U.S. Department of Justice. The agreements have served as models for many other cities in the United States.

2002: *Chabad of Southern Ohio v. City of Cincinnati* (Nos. 1:02-cv-840, 1:02-cv-880)
Jewish organization and homeless advocacy organization challenged that portion of city ordinance that, during the last two weeks of November, the month of December, and the first week of January, prohibited anyone but the City of Cincinnati from erecting a display, exhibit or structure or holding an event, protest, rally or meeting on the main downtown square. The ordinance provided for the issuance of permits on a first-come, first-served basis, except for the seven-week period reserved for the city's "exclusive use." Dlott preliminarily enjoined the enforcement of the "exclusive use" provision as in violation of the First Amendment. 233 F. Supp. 2d 975 (S.D. Ohio 2002), *aff'd*, 363 F.3d 427 (6th Cir. 2004). The Sixth Circuit Court of Appeals granted a stay of the injunction pending appellate review, 2002 WL 31829493 (6th Cir. Nov. 27, 2002), but Justice Stevens, as Circuit Justice, vacated the stay. 123 S. Ct. 518 (2002).

1999: *Doe v. Barron* (No. 1:99-cv-611)

Female prisoner who was approximately nine weeks pregnant sought temporary restraining order and preliminary injunction restraining the director of the correctional center where she was held from denying her access to pregnancy termination services absent a court order. Dlott found that the Plaintiff was likely to succeed on the merits of her case because the correction center's denial of access absent a court order bore no logical connection to penological interests and that the prisoner would suffer irreparable harm if the injunction were not issued. Finally, Dlott held that the public interest was served by issuing the restraining order because the Supreme Court recognized a woman's right to choose to terminate her pregnancy, and it is in the public interest to uphold that right when it is arbitrarily denied by prison officials absent medical or other legitimate concerns. 92 F. Supp. 2d 694 (S.D. Ohio 1999).

1998: *Glover v. Williamsburg Local School District* (1:96-cv-896)

Public school teacher Bruce Glover claimed that Williamsburg Local School District's decision not to renew his teaching contract discriminated against him on the basis of his sexual orientation, his gender, and the race of his partner in violation of the Fourteenth Amendment. Glover also claimed that the School Board retaliated against him for exercising his right to free speech in violation of the First Amendment. Finding the School Board members' testimony explaining Glover's termination contradictory and not entirely credible, Dlott applied the rational basis level of scrutiny and found that the School Board's purported reasons for Glover's nonrenewal were pretextual. Dlott found that Glover failed to produce sufficient evidence to support his claim that the Board's decision was motivated by his gender or the race of his partner. Dlott also found that although the Board discriminated against Glover on the basis of his sexual orientation, Glover failed to prove that his public complaint about the discrimination was an additional factor in the Board's decision. 20 F. Supp. 2d 1160 (S.D. Ohio 1998).

1997: *United Food & Commercial Workers Union, Local 1099 v. Southwest Ohio Regional Transit Authority* (1:97-cv-512)

Union brought First Amendment challenge seeking preliminary injunction of transit authority's rejection of union's wrap-around bus advertisement based on allegedly controversial nature of advertisement and aesthetically displeasing appearance. Dlott determined that transit authority's rejection of the advertisement was not reasonable, the union had demonstrated a substantial likelihood of success on the merits of it First Amendment claim, and the loss of First Amendment rights constitutes irreparable injury that, in this case, was not outweighed by harm to others or any public interest. The Sixth Circuit affirmed, holding, *inter alia*, that the transit authority had demonstrated an intent to designate advertising space on its buses as a public forum and that the transit authority's policy of banning controversial advertisements adversely affecting bus ridership was constitutionally invalid under the overbreadth doctrine. *aff'd*, 163 F.3d 341 (6th Cir. 1998).